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July 20, 2005

VIA FAXSIMILE

The Civil Clerk
United States District Court
1 Courthouse Way
Boston, MA 02210

Re: JDS Uniphase Corporation v. David Kornacki, et al
Northern District of California Civil Action No. 04-04994-JW

Dear Clerk of Court:

This firm represents Defendant David Kornacki in the above captioned matter. On June 20, 2005, the United States District Court for the Northern District of California ordered that this case be transferred to the United States District Court for the Western District of Massachusetts (Springfield). See copy of the Order, attached hereto at Exhibit A. On July 19, 2005, our office received notification from the California District Court that the file had been transferred to the U.S. District Court for the Eastern District of Massachusetts (Boston) and that the Boston Court had acknowledged receipt of the pleadings. See CA ECF-Docket Report entry 7/19/2005, attached as Exhibit B. I spoke with the Clerk in Boston this morning to identify the new docket number and to see if the case would be transferred to Springfield in accordance with the California judge's order. The Clerk that I spoke with told me that Boston has not yet received the file.

We are concerned with the whereabouts of this case and I would appreciate any assistance you can provide with respect to this matter. I have attached a US Postal Service Track & Confirm report that illustrates that the package was delivered on July 14, 2005 in Boston, MA that may help you in locating this case. See Exhibit C. As you can see the tracking number 7003 2260 0001 4462 5206 matches the tracking number shown on the Docket Report entry 7/11/2005. See attached.

Please call me to confirm that the Court has received this case, that the matter will be transferred to the U.S. District Court for the District of Western Massachusetts, and to inform me of the new docket number. Thank you for your time and attention to this matter.

Sincerely,

Jennifer Goncalves
Jennifer Goncalves
Legal Assistant

Attachments

F:\Files\Kornacki\JDS Uniphase\boston court 7.20.05.doc

ADRMOP, CLOSED, E-Filing

**U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:04-cv-04994-JW
Internal Use Only**

JDS Uniphase Corporation Benefits Committee of the JDS
Uniphase Corporation Employee Retirement Plan v.
Kornacki et al
Assigned to: Hon. James Ware
Referred to: Hon Richard Seeborg
Demand: \$0
Cause: 29:1001 E.R.I.S.A.: Employee Retirement

Date Filed: 11/24/2004
Jury Demand: None
Nature of Suit: 791 Labor: E.R.I.S.A.
Jurisdiction: Federal Question

Plaintiff

**JDS Uniphase Corporation Benefits
Committee of the JDS Uniphase
Corporation Employee Retirement
Plan**

represented by **Hope A. Case**
DLA Piper Rudnick Gray Cary US LLP

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ATTORNEY TO BE NOTICED

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RECEIVED - MAIL ROOM
AND PLACED IN FILE AND FORWARDED
TO THE ATTORNEY GENERAL IN THE OFFICE
OF THE ATTORNEY GENERAL
AT LOS ANGELES

RECORDED
CLERK, U.S. DISTRICT COURT
SIXTY-THREE FIVE NINETEEN SIXTY-FIVE
MAY 1965

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Case 5:04-cv-04994-JW Document 37 Filed 06/20/05 Page 1 of 5

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

**JDS Uniphase Corporation Benefits
Committee of the JDS Uniphase
Corporation Employee 401(k) Retirement
Plan.**

NO. C 04-04994 JW

Plaintiff(s).

Y.

**ORDER GRANTING TAVARES'
MOTION FOR CHANGE OF VENUE AND
DEEMING MOOT ALL OTHER
MOTIONS**

**David M. Kornacki, as Administrator of the
Estate of Kevin P. Kornacki, et al.,**

Defendant(s).

I. INTRODUCTION

Plaintiff JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee 401(k) Retirement Plan ("Plaintiff") brings this action against Defendants David M. Kornacki, as Administrator of the Estate of Kevin P. Kornacki ("Kornacki's Estate"), and Matel Tavares, Kevin P. Kornacki's ex-wife, formerly known as Mabel D. Kornacki ("Tavares") (collectively "Defendants"), requesting, inter alia, Declaratory Relief under Employee Retirement Income Security Act of 1974 ("ERISA") § 502(a)(3), 29 U.S.C. § 1132(a)(3).

Currently before this Court is Kornacki's Estate's February 14, 2005 Motion to Dismiss for Failure to State a Claim, Lack of Personal Jurisdiction and Improper Venue (Docket No. 12) and Tavares' January 14, 2005 Motion for Change of Venue (Docket No. 9). For the reasons set forth

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1 below, this Court GRANTS Tavares' Motion for Change of Venue and DEEMS MOOT Kornacki's
2 Estate's Motions.

3 II. BACKGROUND

4 Kevin P. Kornacki ("Decedent") began employment with JDS Uniphase Corporation ("JDS")
5 in Connecticut, and enrolled as a participant in a 401(k) retirement plan offered to JDS's employees.
6 (See Complaint for Declaratory Relief, Injunction and Constructive Trust, hereinafter "Complaint"
7 Docket Item No. 8, ¶ 11.) At the time of enrollment, Decedent named Tavares as his sole beneficiary.
8 (Complaint ¶ 11.) Later, Decedent and Tavares filed for divorce, and on December 6, 2001, they
9 received a Judgment of Divorce. (Complaint ¶ 12.) Under their September 5, 2002 Qualified
10 Domestic Relations Order ("QDRO"), Tavares relinquished her rights in Decedent's retirement plan,
11 but for \$8,534.00, a pro rata share for the term of their marriage. (Complaint ¶ 13.) On April 11,
12 2003, Decedent died. (Complaint ¶ 20.) On August 21, 2003, Plaintiff sent a check to Tavares in the
13 amount of \$81,674.94, which represented all of Decedent's assets in the 401(k) plan. (Complaint ¶
14 21.) A dispute between Defendants – i.e., Kornacki's Estate and Tavares – arose over this
15 distribution. Plaintiff filed suit in the Northern District of California seeking Declaratory Relief,
16 Injunction, and Constructive Trust to clarify the parties' rights and to avoid any future double payout of
17 benefits. Defendants assert that declaratory relief is unavailable under ERISA § 502(e)(2), 29 U.S.C.
18 § 1132(e)(2), and that declaratory relief under the proper statute, the Declaratory Judgment Act, 28
19 U.S.C. § 2201, would destroy Plaintiff's basis for venue.

20 Further, Tavares requests that this Court transfer this matter to Massachusetts. Both
21 Defendants reside in Massachusetts, Decedent and Tavares were residents of Massachusetts during
22 their marriage and throughout Decedent's employment with JDS, Decedent and Tavares were both
23 married and divorced in Massachusetts, material witnesses reside in Massachusetts, and the assets in
24 question were sent to Tavares in Massachusetts. Plaintiff counters that venue is proper in this District
25 based on ERISA § 502(a)(3), 29 U.S.C. § 1132(a)(3), since the 401(k) plan is administered in this
26 District.

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III. STANDARDS

A district court may transfer an action to another district. When venue is improper in a particular district, the district court must either dismiss the action or, in the interest of justice, transfer the action to a judicial district where venue is proper. 28 U.S.C. § 1406(a); See Pacific Coast District v. Alaska, 682 F.2d 797, 799 (9th Cir. 1982). In addition to the general rules of venue, numerous federal statutes contain their own special venue requirements. “[A]s a general matter, courts have interpreted special venue provisions to supplement, rather than preempt, general venue statutes.” Gold Video, Inc. v. Akai Electric Co., Ltd., 885 F.2d 1406, 1409 (9th Cir. 1989). ERISA is one such statute. See Varsic v. U.S. Dist. Ct. for Central Dist. of Cal., 607 F.2d 245, 248-49 (9th Cir. 1979); see also Waelz v. Delta Pilots Retirement Plan, 301 F.3d 804, 808-09 (7th Cir. 2002). Even when venue is proper in a given district, a court in that district may transfer the action to another district “for the convenience of parties and witnesses, in the interest of justice” under 28 U.S.C. § 1404(a). 28 U.S.C. § 1404(a).

IV. DISCUSSION

Plaintiff brings suit for declaratory judgment under ERISA § 502(a)(3). Under ERISA’s special venue provisions, actions brought under ERISA § 502(a)(3) may be brought in the district where the plan is administered, where the breach occurred, or where a defendant resides or may be found. ERISA § 502(e)(2), 29 U.S.C. § 1132(e)(2). Although JDS’s 401(k) plan is administered here, in the Northern District of California, Plaintiff cannot avail itself of ERISA’s special venue provisions because Plaintiff’s lawsuit is not proper under ERISA § 502(a)(3) because Plaintiff is a fiduciary and seeks declaratory relief. See Gulf Life Ins. Co. v. Arnold, 809 F.2d 1520 (11th Cir. 1987) (holding that fiduciaries may not bring suit under ERISA § 502(a)(3) and that suits for declaratory relief are not suits under ERISA § 502(a)(3)).

Venue in federal question cases is proper in the following judicial districts: (1) if all defendants reside in the same state, a district where any defendant resides; (2) or, a district in which a “substantial part of the events or omissions” on which the claim is based occurred, or a “substantial

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1 part of the property" that is the subject of the action is located; (3) or, if there is no district in which
 2 the action may otherwise be brought, the district "in which any defendant may be found." 28 U.S.C. §§
 3 1391(b)(1)-(b)(3). The court may transfer to another district "for the convenience of parties and
 4 witnesses, in the interest of justice" under § 1404(a). 28 U.S.C. § 1404(a). In determining
 5 "convenience" and "interest of justice" courts consider three general factors: (1) convenience of
 6 parties, (2) convenience of witnesses, and (3) interest of justice. 28 U.S.C. § 1404(a). These three
 7 factors are addressed to the inherent discretion of the court and are interpreted broadly to allow the
 8 court to consider the particular facts of each case. E. & J. Gallo Winery v. F. & P. S.p.A., 899 F.
 9 Supp. 465, 466 (E.D. Cal. 1994); Lopez Perez v. Hufstedler, 505 F. Supp. 39, 41 (D.D.C. 1980).
 10 District courts have broad discretion in determining venue motions, and the "interest of justice" is a
 11 factor in § 1404(a) motions. Arley v. United Pac. Ins. Co., 379 F.2d 183, 185 n.1 (9th Cir. 1967). As
 12 all Defendants are residents of Massachusetts, venue is proper in any district within Massachusetts
 13 where one Defendant resides. 28 U.S.C. §§ 1391(a)(1), (b)(1). Further, a substantial part of the
 14 events or omissions giving rise to the claim occurred in Massachusetts. All parties to this action,
 15 aside from Plaintiff, reside in Massachusetts. Plaintiff is an international corporation, with offices in
 16 at least eight states and seven countries and has sufficient "minimum contacts" with Massachusetts.
 17 Further, the Decedent was, at all relevant times, a resident of the state of Massachusetts.

18 This Court concludes that California is both an inconvenient and inappropriate venue for the
 19 matter at hand. Accordingly, this Court transfers this matter to the Western District of Massachusetts.

V. CONCLUSION

21 For the reasons set forth above, this Court GRANTS Tavares' Motion to Change Venue. This
 22 matter shall be transferred to the District of Massachusetts. Furthermore, this Court DEEMS
 23 MOOT Kornacki's Estate's Motion to Dismiss, as well as any and all other pending motions.

24 Dated: June 20, 2005

25 04cv4994mtv

/s/James Ware
JAMES WARE
United States District Judge

26

27

28

Case 5:04-cv-04994-JW Document 37 Filed 06/20/2005 Page 5 of 5

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Charles L. Deem charles.deem@dlapiper.com
Hope A. Case hope.case@dlapiper.com
3 Katherine Susan Clark kclark@clarklaw.com
Ray M. Hartman ray.hartman@dlapiper.com

4 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN MAILED TO:**

5 Maurice M. Cahillance
6 Egan, Flanagan and Cohen
7 67 Market Street
P.O. BOX 9035
Springfield, MA 01102-9035

8 Michael J. Richter
9 2072 The Alameda
San Jose, CA 95126

10 **Dated: June 20, 2005**

Richard W. Wiering, Clerk

12 By: /s/JWchambers

13 Ronald L. Davis
Courtroom Deputy

Exhibit B

ADRMOP, CLOSED, E-Filing

U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:04-cv-04994-JW

JDS Uniphase Corporation Benefits Committee of the JDS
 Uniphase Corporation Employee Retirement Plan v.

Kornacki et al

Assigned to: Hon. James Ware

Referred to: Hon Richard Seeborg

Demand: \$0

Cause: 29:1001 E.R.I.S.A.: Employee Retirement

Date Filed: 11/24/2004

Jury Demand: None

Nature of Suit: 791 Labor: E.R.I.S.A.

Jurisdiction: Federal Question

Plaintiff

**JDS Uniphase Corporation Benefits
 Committee of the JDS Uniphase
 Corporation Employee Retirement
 Plan**

represented by **Hope A. Case**

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ATTORNEY TO BE NOTICED

V.

Defendant

David Kornacki
as administrator of the Estate of Kevin P. Kornacki

represented by **Katherine Susan Clark**
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919 The Alameda
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Mabel Tavares
*an individual formerly known as Mabel D. Kornacki
formerly known as David Kornacki*

represented by **Maurice M. Cahillance**
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Date Filed	#	Docket Text
11/24/2004	1	COMPLAINT summons issued, no to jury demand against David Kornacki, Mabel Tavares (Filing fee \$ 150, receipt number 5511337.). Filed by JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee Retirement Plan. (1rd, COURT STAFF) (Filed on 11/24/2004) Additional attachment(s) added on 3/9/2005 (cv, COURT STAFF). (Entered: 11/24/2004)
11/24/2004	2	ADR SCHEDULING ORDER: Case Management Statement due by 3/23/2005. Case Management Conference set for 3/30/2005 02:30 PM. (Attachments: # 1)(1rd, COURT STAFF) (Filed on 11/24/2004) (Entered: 11/24/2004)
11/24/2004		Summons Issued as to David Kornacki, Mabel Tavares. (1rd, COURT STAFF) (Filed on 11/24/2004) (Entered: 11/24/2004)
12/16/2004	3	WAIVER OF SERVICE Returned Executed filed by JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee Retirement Plan. Service waived by David Kornacki waiver

		sent on 12/3/2004, answer due 2/1/2005. (lrb, COURT STAFF) (Filed on 12/16/2004) (Entered: 12/16/2004)
01/07/2005	4	NOTICE of Change of Firm Name by JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee Retirement Plan (lrb, COURT STAFF) (Filed on 1/7/2005) Modified on 1/11/2005 (lrb, COURT STAFF). Additional attachment(s) added on 3/3/2005 (cv, COURT STAFF). (Entered: 01/11/2005)
01/07/2005	5	CERTIFICATE OF SERVICE by JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee Retirement Plan re 4 Notice (Other) (lrb, COURT STAFF) (Filed on 1/7/2005) Modified on 1/11/2005 (lrb, COURT STAFF). (Entered: 01/11/2005)
01/14/2005	6	MOTION for leave to appear in Pro Hac Vice for attorney Maurice M. Cahillance filed by Mabel Tavares. (lrb, COURT STAFF) (Filed on 1/14/2005) (Entered: 01/18/2005)
01/14/2005		Proposed Order re [6] MOTION for leave to appear in Pro Hac Vice by Mabel Tavares. (lrb, COURT STAFF) (Filed on 1/14/2005) (Entered: 01/18/2005)
01/14/2005	7	ORDER by Judge Richard Seeborg granting [6] Motion for Pro Hac Vice (lrb, COURT STAFF) (Filed on 1/14/2005) (Entered: 01/18/2005)
01/14/2005	8	ANSWER to Complaint by Mabel Tavares. (lrb, COURT STAFF) (Filed on 1/14/2005) (Entered: 01/18/2005)
01/14/2005	9	MOTION to Change Venue to U.S. District Court for the District of Massachusetts, Western Division filed by Mabel Tavares. (lrb, COURT STAFF) (Filed on 1/14/2005) Modified on 3/2/2005 (cv, COURT STAFF). (Entered: 01/18/2005)
01/24/2005	10	SUMMONS Returned Executed by JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee Retirement Plan. Mabel Tavares served on 11/30/2004, answer due 12/20/2004. (Case, Hope) (Filed on 1/24/2005) (Entered: 01/24/2005)
01/25/2005	11	<i>STIPULATION to Extend Time for David M. Kornacki, as Administrator of the Estate of Kevin P. Kornacki, to Answer or Otherwise Respond to the Complaint Filed by Plaintiff JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee 401(k) Retirement Plan by JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee Retirement Plan. (Deem, Charles)</i> (Filed on 1/25/2005) (Entered: 01/25/2005)
02/14/2005	12	MOTION to Dismiss for Lack of Jurisdiction and Improper Venue filed by David Kornacki. Motion Hearing set for 3/23/2005 09:30 AM. (Clark, Katherine) (Filed on 2/14/2005) (Entered: 02/14/2005)
02/24/2005	13	<i>Declination to Proceed Before a U.S. Magistrate Judge by JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee Retirement Plan and Request for Reassignment to a United States District Judge. (Deem, Charles)</i> (Filed on 2/24/2005) (Entered:

CAND-ECF - Docket Report

		02/24/2005)
02/25/2005	14	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (mpb, COURT STAFF) (Filed on 2/25/2005) (Entered: 02/25/2005)
03/02/2005	15	CLERK'S NOTICE re: Failure to E-File and/or Failure to Register as an E-Filer (lrb, COURT STAFF) (Filed on 3/2/2005) (Entered: 03/02/2005)
03/02/2005	16	ORDER REASSIGNING CASE. Case reassigned to Judge James Ware as the presiding judge. Judge Richard Seeborg remains the referral judge. Signed by Richard Seeborg on 2/25/05. (lrb, COURT STAFF) (Filed on 3/2/2005) (Entered: 03/02/2005)
03/02/2005	17	CLERK'S NOTICE re: Failure to E-File and/or Failure to Register as an E-Filer (lrb, COURT STAFF) (Filed on 3/2/2005) (Entered: 03/02/2005)
03/02/2005	18	Memorandum in Opposition to <i>Defendant Kornacki's Motion to Dismiss for Failure to State a Claim, Lack of Personal Jurisdiction and Improper Venue</i> filed by JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee Retirement Plan. (Deem, Charles) (Filed on 3/2/2005) (Entered: 03/02/2005)
03/02/2005		clerk mailed copy of order filed on 1/14/05 docket number #7 and the E-Filing registration form to Attorney Maurice M. Cahillance. (cv, COURT STAFF) (Filed on 3/2/2005) (Entered: 03/02/2005)
03/02/2005		clerk mailed copy of order filed on 3/2/05 and the E-Filing registration form to Attorney Michael J. Richter. (cv, COURT STAFF) (Filed on 3/2/2005) (Entered: 03/02/2005)
03/09/2005	19	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) <i>ADR Certification</i> (Deem, Charles) (Filed on 3/9/2005) (Entered: 03/09/2005)
03/16/2005	20	Amended MOTION to Dismiss for Lack of Jurisdiction filed by David Kornacki. Motion Hearing set for 4/25/2005 09:00 AM. (Clark, Katherine) (Filed on 3/16/2005) (Entered: 03/16/2005)
03/16/2005	21	Amended MOTION to Dismiss (<i>AMENDED NOTICE</i>) filed by David Kornacki. Motion Hearing set for 4/25/2005 09:00 AM. (Clark, Katherine) (Filed on 3/16/2005) (Entered: 03/16/2005)
03/17/2005	22	ADR Clerks Notice Setting ADR Phone Conference on 3/31/05 at 9:30 a.m. Please take note that plaintiff's counsel initiates the call to all parties. (tjs, COURT STAFF) (Filed on 3/17/2005) (Entered: 03/17/2005)
03/17/2005	23	STIPULATION To Reschedule CMC & Order by David Kornacki. (Clark, Katherine) (Filed on 3/17/2005) (Entered: 03/17/2005)
03/21/2005	24	MOTION to Change Venue, <i>Declaration of Katherine R. Parsons and Exhibits</i> filed by David Kornacki. Motion Hearing set for 4/25/2005 09:00 AM in Courtroom 8, 4th Floor, San Jose. (Attachments: # 1)(Clark, Katherine) (Filed on 3/21/2005) (Entered: 03/21/2005)
03/25/2005	25	STIPULATION AND ORDER CONTINUING CASE MANAGEMENT CONFERENCE AND RELATED DEADLINES; TO MON. JUNE 6,

		2005 AT 10AM. Signed by Judge JAMES WARE on 3/25/05. (rd, COURT STAFF) (Filed on 3/25/2005) (Entered: 03/26/2005)
03/30/2005		ADR Clerks Notice The ADR Phone Conference has been taken off calendar and will be rescheduled, if necessary, to a date closer to the new Initial Case Management Conference date. (tjs, COURT STAFF) (Filed on 3/30/2005) (Entered: 03/30/2005)
04/07/2005	26	Reply to Opposition to Motion to Dismiss filed by David Kornacki. (Clark, Katherine) (Filed on 4/7/2005) (Entered: 04/07/2005)
04/17/2005	27	ORDER CONTINUING HEARING ON DEFENDANT'S MOTIONS. Signed by Judge James Ware on April 17, 2005. (JWCL4) (Filed on 4/17/2005). (Entered: 04/17/2005)
04/22/2005	28	STIPULATION (SECOND) to Reschedule Case Management Conference etc. and Order thereon by David Kornacki. (Clark, Katherine) (Filed on 4/22/2005) (Entered: 04/22/2005)
05/24/2005	29	STIPULATION AND ORDER *(MODIFIED BY THE COURT); CONTINUING CASE MANAGEMENT CONFERENCE TO MON. AUGUST 22, 2005 AT 10AM AND OTHER RELATED DEADLINES. Signed by Judge JAMES WARE on 5/24/05. (rd, COURT STAFF) (Filed on 5/24/2005) (Entered: 05/24/2005)
06/10/2005	30	Reply Memorandum (Amended) filed by David Kornacki. (Clark, Katherine) (Filed on 6/10/2005) (Entered: 06/10/2005)
06/14/2005	31	AFFIDAVIT in Opposition to Defendant Kornacki's Motion to Change Venue filed by JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee Retirement Plan. (Deem, Charles) (Filed on 6/14/2005) (Entered: 06/14/2005)
06/14/2005	32	Proposed MOTION to Continue Hearing on Defendant Kornacki's Motion to Change Venue or, in the Alternative, to Consider Plaintiff's Late Filed Opposition to Defendant Kornacki's Motion to Change Venue filed by JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee Retirement Plan. Motion Hearing set for 6/20/2005 09:00 AM in Courtroom 8, 4th Floor, San Jose. (Deem, Charles) (Filed on 6/14/2005) (Entered: 06/14/2005)
06/14/2005	33	Declaration of Charles L. Deem in Support of Application to Reschedule Hearing on Defendant Kornacki's Motion to Change Venue or, in the Alternative, to Consider Plaintiff's Untimely Opposition to Defendant Kornacki's Motion to Change Venue filed by JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee Retirement Plan. (Deem, Charles) (Filed on 6/14/2005) (Entered: 06/14/2005)
06/14/2005	34	Proposed Order by JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee Retirement Plan. (Deem, Charles) (Filed on 6/14/2005) (Entered: 06/14/2005)
06/14/2005	35	AFFIDAVIT in Opposition to Defendant Kornacki's Motion to Change

		Venue filed by JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee Retirement Plan. (Deem, Charles) (Filed on 6/14/2005) (Entered: 06/14/2005)
06/17/2005	36	Reply Memorandum to Plaintiff's Opposition to Defendant Kornacki's Motion for Change of Venue filed by David Kornacki. (Clark, Katherine) (Filed on 6/17/2005) (Entered: 06/17/2005)
06/20/2005	37	ORDER by Judge James Ware granting [9] Motion to Change Venue and Deeming Moot All Other Pending Motions. (jwlc2, COURT STAFF) (Filed on 6/20/2005) (Entered: 06/20/2005)
06/29/2005		Remark - clerk requested file from chambers. (cv, COURT STAFF) (Filed on 6/29/2005) (Entered: 06/29/2005)
07/11/2005		Remark - file returned from chambers (cv, COURT STAFF) (Filed on 7/11/2005) (Entered: 07/11/2005)
07/11/2005		Remark - clerk mailed entire file to the US District Court of Massachusetts and certified copy of docket sheet along with certified copy of transfer order. (tracking number 7003-2260-0001-4462-5206) (cv, COURT STAFF) (Filed on 7/11/2005) (Entered: 07/11/2005)
07/19/2005		Receipt of acknowledgment from U.S. District Court of Boston, MA.. of the file sent. (cv, COURT STAFF) (Filed on 7/19/2005) (Entered: 07/19/2005)

PACER Service Center			
Transaction Receipt			
07/20/2005 07:06:09			
PACER Login:	cr0342	Client Code:	
Description:	Docket Report	Search Criteria:	5:04-cv-04994-JW
Billable Pages:	4	Cost:	0.32

Exhibit C



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Track & Confirm

Track & Confirm

Search Results

Label/Receipt Number: 7003 2260 0001 4462 5206

Detailed Results:

- Delivered, July 14, 2005, 8:34 am, BOSTON, MA 02210
- Arrival at Unit, July 14, 2005, 5:12 am, BOSTON, MA 02205

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